themselves, upon their own motion and their own purposes, whether avowed or secret, do things forbidden by the statute without criminal responsibility and yet be criminally responsible for the same things done at the instance and to promote the purposes of others? Or will it be said that under this statute one who is not a capitalist may without criminality assist capitalists in the doing of things which on their part are criminal? If that be so then if a capitalist and one who is not a capitalist. a capitalist and one who is not a capitalist join in doing things forbidden by this statute, neither can be punished because one alone cannot be gullty of conspiracy.

The persistent effort of the defendants, as the proof shows, was to force the rail-road companies—the largest capitalists of the country—to co-operate, or at least to acquiesce, in a scheme to stop the use of Pullman sleepers; and for a time they had man sleepers; and for a time they had the agreement of a manager and other officers of one road to quit the use of the obnoxious cars, and, perhaps, a quaiffied submission of the officers of another road or two to the same dictation. Does the guilt or innocence of the defendants of the charge of conspiracy under this statute depend on the proof there may be of their success in drawing to the support of their design those who may be called capitalists, or does its depend upon the character of the design itself and upon what has been done towards its accomplishment by themselves and by those in voluntary co-operation with them, from whatever employment or walk in life?

I have not failed, I think, to appreciate the just force of the argument to the contrary of my opinion—it has some times en-tangled me in doubt—but my conclusion is clear that, under the act of 1890, the court had jurisdiction of the case presented in the application, and that the injunction granted was not without authority of law nor for any reason invalid.

### QUESTION OF FACT.

Judge Woods Finds the Defendants Were Guilty of Contempt.

This brings me to the question of fact, did the defendants violate the injunction? The evidence upon the question is voluminous but need not be reviewed in detail. The injunction was issued July 2, and on the 3d and 4th was served upon the defendants Debs, Howard, Rogers and Keliner. It was not served upon the other defendants, and in one of the briefs it is contended that only parties to a bill can be charged with violating an injunction; that while strangers to a suit in chancery may be liable for willful interference, their cases stand upon the same footing as ordinary criminal contem ts and their answers are conclusive. Authorities cited: Watson vs. Fuller, 9 America," Debs said: "I appeal to strik-How. Pr. 425, 4 Johnson, 24; Boyd vs. State, 19 Nebr. 128; Lord Elden's Opinion, 7 Vesey Jr. 257-9; State of Kansas vs. Anderson, 5 Kas. 99, 114; Elliott vs. Osborne et al., 1 Cal. 396; Jewett, Receiver, vs. Bowman, 27 N. J. Eq. 171; Coddington vs. Webb. 4 Sandf. 639. In another brief the weight of authority is conceded to be that one who has actual notice of an injunction is bound by it. Rapelje on Contempt, 16; Ewing vs. Johnson, 34 How. N. Y. 262; Wante vs. Vanderheyden & Hatch, 8 Paige, 45. I know of no authority and perceive no reason for treating the answer of a stranger to the bill as conclusive while the answer of a party to the bill is not conclusive. The testimony of newspaper reporters

shows that on July 4 Debs said to one of them: "I have done nothing unlawful; ! have kept myself strictly within the pro-visions of Judge Caldwell's decision \* \* \* and I shall not change my course of conduct in any way by reason of the service of this injunction;" again, on the 7th, that "there had been another injunction served upon him, and it should not make the slightest difference in the manner in which the American Railway Union was doing its business; it had kept within the bounds of the law." To another, on July 2, he said, in substance, "that he was not afraid of any court or grand jury, or of any injunction, as he had done nothing to be enjoined against, and that the American Railway Union would continue the fight on the same lines they had commenced."
July 3 the defendant Burns, who, it should be observed, in responding jointly with his co-defendants Hogan and others to interrogatories, had asserted that they were informed of the injunction until near the end of the strike, in answer to the inquiry of the reporter what they would do about it, said: "Why, they would simply laugh at the injunction; that the Railway nion knew its rights; that they had not anything wrong; had not interfered with interstate commerce or mails or pas-sengers; that they had simply called off their men; that they had not done anything contrary to the injunction; that they had

a right to strike peaceably, These declarations are not brought forward for the purpose of showing that the defendants held or expressed sentiments of contempt for the order of the court. Whether they did or not is immaterial here. Their conduct on'y is in question, and their admissions are quoted because they confirm the inference deducible from other evidence that no essential and voluntary modification of their course of action either followed or was caused by the injunction. Their original intention, it is true, was only to prevent the use of Pullman cars, but finding as they did immediately that that aim would be thwarted by the discharge from services whereast contractions are services as the services of t charge from service of men who refused to handle these cars, they began as early as June 27, the day after the boycott was proclaimed, to issue orders to strike, and from that time to the end, to the extent of their ability, they conducted and controiled the strike with persistent consistency of purpose, and with unchanged methods of action. What they did the first day they did in substance each succeeding day, so that it is not necessary to discriminate very closely between what was done before and what after service of the in-

CONTROL OF THE STRIKE. As officers of the American Railway Union it is beyond question that the defendants had practical control of strike, guiding as they chose the movements of the men actively engaged. Is it true, as they assert, that they did nothing and advised or instigated nothing unlawful, and nothing contrary to the injunction? Leaving out of view for the moment the rule that co-conspirators are responsible for the deeds of each other, done in furtherance of the common design, is it true that the defendants in the exercise of their acknowledged leadership, did no more than advise a peaceable strike, or withdrawal of their followers from railroad service, or did they counsel and encourage such violence and intimidation as they knew to be necessary to prevent the equipment and moving of trains? To the charge of the information that they knew "that violetice invariably follows all strikes of a similar character," they answered by denying that "they knew that violence and unlawful conduct necessarily tollows from strikes of the kind mentioned." When at an early stage of the case the court sug-gested that in the use of the word "necessarily" the answer was not responsive to the information where the word "invari-ably" was employed, the variance was stated by counsel to have been inadvertant, and leave was taken to amend; but instead of an amendment curing the defect, a sup-plemental answer was filed, which merely enies such averments and parts of the information as they had not "in their former answer expressly admitted or denied." On this point Hogan and the other defendants to the second information speak more exclicitly, denying "that they or either of them knew or could have known that any such acts were certain or almost certain or probable or reasonably to be expected to follow from such strikes or correction or probable of reasonably to be expected to follow from such strikes or cessation of labor." While this is not perceived to be equivocal or evasive, it is difficult to understand how intelligent men familiar with the subject, as these men may be presumed to have been, could honestly affirm it. Strikes by railroad employes have not been infrequent of late years in this country, and the testimony of the one witness who spoke on the subject and whose experience and intelligence made

Awarged Righest Honors-World's Pair. ·DR:



MOST PERFECT MADE. A pure Grape Cream of Tartar Powder. Pres from Ammonia, Alum or any other adulterant 40 YEARS THE STANDARD

him apparently quite competent to speak, accords with what I suppose to be common knowledge, that they have been at-tended generally, if not in every instance, with some form of intimidation or force. The witness said he knew of no exception. Under the conditions of last summer when there were many idle men seeking employment, it was impossible that a strike which aimed at a general cessation of business upon the railroads of the country could succeed without violence, and it is not to be believed that the defendants entered upon the execution of their scheme without appreciating the fact, and without having determined how to deal with it. The inference, therefore, is a fair one, aside from direct evidence to the point, that they expected and intended that this strike uld differ from others only in magnitude of design and boldness of execution and that the accustomed accessories of intimi-dation and violence, so far at least as found essential to success, would not be omitted. For that much the striking workman, acting on the promptings of self-interest, with-out instigation or direct suggestion, and even in spite of admonitions to the contrary, may ordinarily be counted on. Such admonitions against violence were sent out occasionally by the defendants, but it does not appear that they were ever heeded; and I am not able to believe on the evidence that in the fullest sense it was ex-pected or intended that they should be. I am able and quite willing to believe that the defendants not only did not favor but leprecated extreme violence, which might lead to the destruction of property or of human life; but they were not unwilling that coupling pins should be drawn; that Pullman cars should be "cut off" and sidetracked; that switches should be turned and trains derailed; that cars should overturned and tracks obstructed; that fa's? or contradictory signals should be given to moving trains; that the strikers and lawless rioters should wear a common badge, and should assemble together upon the tracks and yards of the companies obstruct business; that engineers and fire-men should be pulled from their cabs if by persuasion or threats they could not be induced to leave them; that the unem-polyed should be deterred by threats or abuse from taking the places of strikers, and that engines should be "plugged" or otherwise "killed."

AIM OF DEBS'S SPEECH. These things and the like of them were done daily in Chicago and elsewhere by members and sometimes by officers of the local unions without protest or condemnation, and some of them at the instigation of the defendants who, it can hardly be doubted, were well aware of what was going on. When, therefore, in his address of June 29 "To the railway employes of ers everywhere to refrain from any act of violence. Let there be no interference wil the affairs of the companies involved, and, above all, let there be no act of depredation. man who will destroy property or violate law is an enemy, and not a friend to the cause of labor. The great public is with us," etc.—the chief aim, I am convinced, was to secure the good will of the To that end, the warnings against acts of depredation or visible destruction of property it may well be believed were sincere, but their followers did not understand and the court cannot believe that it was intended to forbid intimidation and the milder forms of violence which did not directly involve the destruction of proerty or severe injury to person, and which for that reason, it seems, were assumed to be not unlawful when employed in the interests of organized labor in a contest with "an alliance of rich and powerful cor-

By just what theories of law and duty they were governed might be better under-stood, perhaps, if in that part of the answer which alleges "that upon the service of the injunction the defendants consulted ompetent counsel, learned in the law, and upon a full and fair statement of the facts in the premises they were advised what they might rightfully and lawfully do without violating the order of the court, and that since that time they have in all things proceeded in accordance with that advice. they had disclosed, as they ought to have done, just what statement of the facts they nade to counsel, and what advice they received. Without such disclosure, either in the answer or the proof, the alleged advice neither justifies nor mitigates a wrong or error committed in pursuance of the advice, but raises, rather, a presumption that a full statement would not be advantageous. Proof was made of portions of the testi-mony of Mr. Debs on the 20th of August before the United States strike con sion, wherein, among others things, he said: "It is understood that a strike is war: not necessarily a war of blood and bullets, but a war in the sense that it is a con-flict between two contending interests or classes of interests. There is more or less strategy, too, in war, and this was neces-sary in our operation. Orders were issued from here, questions were answered, and our men were kept in line from here. \* \* As soon as the employes found that we were arrested and taken from the scene of action they became demoralized, and that ended the strike. It was not the soldiens that ended the strike; it was not the old brotherhoods that ended the strike. It was simply the United States courts that ended the strike. Our men were in a position that never would have been shaken under any circumstances if we had been permitted to remain upon the field, among them. Once we were taken from the scene of action and restrained from sending telegrams, or issuing orders, or answering ques-tions, then the minions of the corporations would be put to work. . . Our headquarters were temporarily demoralized and abandoned, and we could not answer any messages. The men went back to work and the ranks were broken, and the strike was broken up, and by the army, and not by any other power, but simply and solely by the action of the United States courts in restraining us from discharging our duties as officers and representatives of our employes." In answer to an inquiry what, if anything. concerned in violence, he said:

ne did to ascertain whether his men were "We did that (by) our committee, which called at headquarters every morning and advised us. They were instructed to guard the companies' property, if they were near it at all, and to apprehend any one that might be caught destroying property. This instruction was given again and again to the central committee that went out from headquarters. We said we knew that if there was trouble, if there was disorder and riot, we would lose, because we knew enough by experience in the past that we had everything to lose by riot and nothing to gain. We said the man who incites riot or disorder is our enemy, and we have got to be the first to apprehend and bring him to justice. So we called upon our men and advised them, urged them to do everything in their power to maintain order, because we felt and knew that if there was perfect order there was no pretext upon which they could call out the soldiers or appeal for the intervention of the court, and would win without a question of a

MORE THAN A PEACEABLE STRIKE. One or two reflections upon these statements will be enough. First, with all that is said about guarding property, keeping the peace, and being the first to arrest offenders, not one was arrested and no effort was made by strikers or members of the Railway Union to preserve the peace or to protect property. On the contrary, many of them were leaders in scenes of violence and disorder; second, if this strike like others, was understood to be war, not necessarily of blood and bullets, but a conflict between contending interests or classes of interests in which strategy had to be employed to keep the men in line, it was more than a peaceable strike, or mere cessation from work. Had t been only that, the injunction, instead of being a hindrance, would have been in their hands the very weapon they needed to enable them to suppress the violence and disorder in which alone they say they saw possible danger to the success of their

"When the trouble began," said Mr. Debs again, in his testimony before the com-"there were thousands of telegrams and communications pouring in, and it was impossible for me to see them all personally, because I was out among the men, meeting with committees, meeting at different cities and addressing meetings, and all that kind of work, so it was really impossible for all those telegrams that were coming in to come under my personal notice. So then the work was apportioned by the board to its members. This young man Benedict (who had been employed as an assistant secretary), answered by instruction of the board, some telegrams, and in other cases, where the board was all absent, he answered telegrams himself. Telegrams, when he had answered others of a kindred character, he would answer without instructions." The inconsistency of these statements with the averments of the answer of the defendants to the original information, denying responsibility for the telegrams sent and received, is too evident to need comment, but they are quoted here not so much to point out the discrepancy, as to show the activity of Mr. Debs, his intimate connection with the conduct of the strike and, consequently, his direct responsibility for what was done. By his admission, he was out among the men, meeting committees and addressing meetings. It is shown also by the testimony of two or more witnesses that on the night of June 29, he and Howard and Kelliher attended a meeting of the local union at Blue Island, a suburb of Chicago, on the

among other things one or both of them said the men "ought to stand together and go out in a body;" that if others came to take their places "they ought to make them walk the plank." In the language of the witnesses:" They told the workmen there that the only way to resist the orders of the general managers in cutting down the wages of the men in detail on the different roads, was by unanimously organizing and standing by, all standing together. Debs told them not to molest the mail trains, but (as the witness puts it) not to let the Pullman cars out at no hazards." Howard "advised the men not to do any violence, or anything like that, but to go out and stay out, man to man, and they would win the victory." "Howard said not to commit any violence, but not to allow any Pullman cars to run at no hazard." "He said all those that didn't go out and stay out and help the laboring class of people out of trouble will have to walk the plank in

These speeches did not mean and were not understood by the men to whom they were addressed to mean that no resistance should be made by them to the running of Pullman cars, or that they should submit unresistingly to the employment of other men to take their places. They voted that night to join the strike, and on the next day inaugurated "a condition of turbu-lence" which a witness declared he "did not believe could exist." "A body of men, principally exemployes of the Rock Island road, blockaded traffic, threatened violence" and tied up the road." "The same condiand tied up the road." "The same condi-tion, only worse, July 1," and nothwithstanding the efforts of the United States marshal, by reading the injunction and otherwise, to quell the disturbance nothing was accomplished until the 5th of July when federal soldiers arrived. With that assistance through trains began to be moved and the transportation of the mails was resumed on the 7th or 8th, but it was not until the 14th that traffic on that line was fully restored. These things directly followed and in large measure, I think it not unwarranted to say, were the natural and probable result of the speeches made and counsel given to the men by Debs and Howard at the meeting on the night of the 29th at Blue Island. .

SAMPLE TELEGRAMS. Similar suggestion calculated to incite to acts of violence or intimidation were contained in many of the telegrams which were sent out over the name of Debs, and for which notwithstanding the averment of their answers to the contrary it is no longer possible for any of the defendants to deny some measure of responsibilty. 1 quote from a few of them, commencing

"A boycott has been declared against the Pullman Company and no Pullman cars are to be handled." "If men are discharged for refusing to at once leave the service of the company June 28: "No forcible interference with man trains, but any man who handles trains or cars will be a scab." "No loyal man will handle any train at al on your system.' 'Tie up every line possiole to enforce boycott. Do not cut any cars from mai trains, but no loyal man will move a train of any kind under existing conditions." "Passenger train came south this morning and will be held here." (To Debs from Las Vegas.) "If your company refuses to boycott Pull-June 29: (In substance.) Leave denied for train at Livingston, Mont., to proceed with "All taking part in this struggle will receive protection of A. R. U. whether members or not.' "Pay not attention to injunction orders

Men will not be slaves.' June 30: "This is a fight against com bined capital and oppression, and we are assured winners. Do no violence, but every man stand pat and firm." ear about reinstatement. All lines Chicago are paralyzed. Impossible to get scabs to fill places in time." "Do not interfere with mail trains in any June 1: "Knock it to them hard as pos-

"Have men stand firm. They show a better front in Ohio than you. I do not suspect Grand Junction of housing scabs or sucklings of autocrats." July 2: "The train will haul your car to its destination on presentation of this tele gram." (To Mrs. Leland Standford.) "All who work during present strike wil be branded as scabs. July 3: "This is authority to call ou

"Tie up Big Four. "Get your men out immediately." "It will take more than injunctions to move trains. Get everybody out." "Wear a white ribbon instead of red. W have requested our friends to wear white "Let everybody wear white ribbon who are in favor and all opposed wear red."
"Do not let court order scare you. I have had orders served on me. We are breaking no laws. You and all strikers have quit your places peaceably as is your right. Don't be silly."
July 4: "Have your men stand pat. They will have to make many arrests before this strike is over. We all stand firm. Arresting men will not operate the road." 'To call out troops was an old method of intimidation. Commit no violence. Have every man stand pat. Troops cannot move trains. Not scabs in the world to fill places

and more occurring hourly. "This is authority to call out P. D. & E. July 5: "The lines are now sharply drawn. Capital has declared war. Any man who works is assisting capital to defeat labor.' Richards, of St. Paul, to Debs: "Send ali good news possible. Look after locals on all roads and play the strongest card left." July 8: "You cannot paralyze the world in a minute. Do not let strong men become childish. You appear to be paying more attention to newspapers than to messages.'
July 10: "Debs, Howard, Keliner, Rogers in jail. Rest expect to go. This is the last act of the corporations. Our cause is just. Victory certain. Stand pat. "HOGAN."

July 14: "All negotiations off. Stand to finish now. The condition as it was on the 12th July is aptly described in the letter of that date, signed by Debs, Howard and Keliher, as officers of the American Railway Union and addressed "To the rallway managers." It is set out in full as a part of the information and if more convincing evidence of the nature of the strike and of the direct personal and official responsibility of the defendants for what was done and for the results were needed, it is found in that doc-

THE INJUNCTION. But the defendants are not entitled to be judged solely by the rules which determine the responsibility on one who has acted without combination or agreement with another. The bill upon which the injunction was ordered charged them with conspiracy, as under the statute it must have done, in order to bring them within the cognizance of the court. Conforming to the allegations of the bill the injunction, in substance, commanded them and all combining or conspiring with them "to desist and refrain" from interfering with the business, rolling stock and other property of the roads named; from using force, threats or persuasion to induce employes of the roads to neglect duty; from using force or threats to induce employes to quit or other persons not to enter the service of the roads; from doing any act in furtherance of a conspiracy to interfere with inter-state commerce on the roads, and from ordering, aiding or abetting any person to do the forbidden things.

It is not necessary to consider whether this injunction, when properly construed forbids, or whether it might lawfully have been made to forbid the employes of the railroad companies to quit work in furtherance of the alleged conspiracy, or to forbld other in aid of the conspiracy to persuade or advise them to quit. The orde was not intended, when issued, and will not now be construed to go so far. In the recent case of Arthur et al. vs. Oakes et a., in the Circuit Court of Appeals for the Seventh circuit, it was decided, with my full concurrence in the opinion, that a court of equity will not "under any circum stances, by injunction, prevent one individual from quitting the personal services o and in respect to the right employes singly or in concert to quit work and of others to advise them on the subject, there is no present necessity for adding to what was said in that case, further than to observe that neither expressly nor by implification does the opinion there delivered lend the remotest sanction to the proposition asserted by one of the counse the defendants that in free America every man has a right to abandon his position, for a good or bad reason, and that another, for good or bad reason, may advise or persuade him to do so. Manifestly that is not true. If it were, a servant might quit his place, and another might advise him to quit, in order to make way for the entry of thieves or burglars into the employer's house-a suggestion at which minds revolt, and for which the acutest can invent neither justification nor jurisprudence that any act, however innocent in itself, becomes wrongful or criminal when done in furtherance of an unlawful design.

But whether or not in a particular case an injunction will be appropriate and to what extent it shall go if granted, will depend on other considerations than the mere wrongfulness or illegality of the act or conduct proposed to be enjoined. The right of men to strike peaceably, and the right to advise a peaceable strike, which the law does not presume to be impossible, is not questioned. But if men enter into a line of the Rock Island & Pac'fic railroad, that he and Howard each addressed the men, urging them to join the strike; that workmen to go spon a strike, knowing allowed to say so. I de

that violence and wrong will be the prob-able outcome, neither in law nor in morale can they escape responsibility

WHAT THE EVIDENCE ESTABLISHED. The evidence establishes, and it has not been denied, that on the 21st day of June. 1894, the American Railway Union, in convention at Chicago, declared a boycott against the Pullman palace cars to take effect after five days if meanwhile the Pullman company should not accede to a proposed arbitration with striking workmen; that the convention, after conferring upon the directors of the union jurisdiction over all matters connected with the boycott, adjourned on the 25th of June; that on the next day the following notice or order was issued over the signature of the president of the union: "June 26, 1894, 1:30 p. m.—
Boycott against Pullman cars in effect at noon to-day. By order of convention, E. V. Debs," and that on the same day the following telegram was sent to the general officers of labor organizations throughout the country:

"A boycott against the Pullman com-pany, to take effect at noon to-day, has been declared by the American Railway Union. We earnestly request your aid and co-operation in this fight of organized labor against a powerful and oppressive monopoly. Please advise if you can meet with us in conference, and if not, if you will authorize some one to represent you in this matter. Address 421 Ashland Block. 'EUGENE V. DEBS, President." Pullman cars in use upon the roads are instrumentalities of commerce; and it fol-lows that from the time of this announcement if not from the adoption of the resolution by the convention, the American Railway Union was committed to a conspiracy in restraint of interstate commerce, in violation of the act of July 2, 1890, and that the members of that association and all others who joined in the movement be-came criminally responsible each for the acts of others done in furtherance of the

common purpose, whether intended by him or not. The officers became responsible for the men and the men for the officers. While I do not accede to the proposition, which was advanced in Patterson's case for the purpose of invalidating or of putting a narrow construction upon the statute, that a conspiracy to commit a specified offense includes a conspiracy to commit any other offense which may result and does result from an attempt to commit the offense intended, the rule is well settled, and, I suppose, well understood, that all who engage, either as principals or as advisers, aiders or abetters, in the commission of an unlawful or criminal act, are individually responsible for the criminal or injurious results which follow the commission or an attempt by any of their number to commis the intended crime or wrong. It is by the same rule that co-conspirators are re-sponsible for the acts and declarations of ach other in the furtheral lawful purpose. (Brennan vs. The People 15 Ill., 511; Hanna vs. The People, 86 Ill. 243; Lamb vs. The People, 96 Ill., 74; Wharton, Cr. L., Sec. 1405; 1 Bishop Cr. L., 636; Hawkins Pleas of the Crown, ch. 29, Sec. 8.) I quote: "Upon this ground," says Hawkins, supra, "it has been adjudged that where persons combine together to stand by one another in the breach of the peace with a general resolution to resist all opposers, and in the execution of their design a murder is committed, all the company are equally principals, though at the time of the fact some of them were at such a distance as to be out of view.' "A man may be guilty of a wrong which he did not specifically intend," says Bish-"if it came naturally or even accidentally through some other specific or a general evil purpose. When, therefore, persons combine to do an unlawful thing, if the act of one proceeding and growing out of the common plan terminates in a crim-

inal result, though not the particular result meant, all are liable." In State vs. McCahill, 30 N. W. Rep. 553, the Court said: "Where there is a conspiracy to accomplish an unlawful purpose, and the means are not specially agreed upon or understood, each conspirator becomes responsible for the means used by and coconspirator in the accomplishment of the ourpose in which they are all at the time

WHAT THE DEFENDANTS DID. These defendants were the directors and general officers of the American Railway Union and had practical control of the organization. They procured the adoption of the resolutions by which the boycott of the Pullman cars was declared and authority given themselves to begin and control the movement. They put themselves at once in telegraphic communication with the officers of local unions, advising them of the action of the convention and that no Pullman cars were to be handled; but, it appearing very soon that men who refused to handle Pullman cars were being discharged, they determined to prevent the until the companies should accede to their demands—including the reinstatement of men who had been discharged. Later the Pullman strikers were abandoned and only the re-employment of railroad men insisted on. As early as the 27th of June they sent out telegrams directing men to quit work if the running of Pullman cars was insist-ed upon and unless discharged men were restored to their places, and by the 28th it had become the distinct policy "to get the men out," "to tie up" or paralyze the roads, to promise full protection to all who joined in the strike, to denounce as scabs or as traitors to the cause of labor all who refused to go out and all who should consent to take places which others had abandoned, and, later, the form or substance of expression became: "All employes of all roads will stand together; none will return until all return.' by this course the original conspiracy

conspiracy against transportation and travel by railroad. Upon their own authority, without consulting the local unions, the defendants converted the boycott into a strike, and, with the aid of followers, some of whom who stopped at no means between the drawing of a coupling pin and the undermining of a bridge, whereby men should be hurled to death, they pushed the strike to the conditions which prevailed when the intervention of the court was asked, and, in which, in the end compelled the employment of military force to re-establish peace and start again the activities of commerce. The evidence leaves no feature of the case in doubt. The substance of it briefly stated is that the defendants, in combination with the members of the American Railway Union and others who were prevailed upon to co-operate, were engaged

a conspiracy in restraint or hindrance of interstate commerce over the railroads en-tering Chicago, and in furtherance of their design those actively engaged in the strike were using threats, violence and other unlawful means of interference with the operations of the roads; that by the injunction they were commanded to desist, but instead of respecting the order, they persisted in their purpose, without essential change of conduct, until compelled to yield to superior force.

Much has been said, but without proof, of the wrongs of the workmen at Pullman, of an alliance between the Pullman company and the railway managers to depress wages and generally of corporate oppression and arrogance. But it is evident that these things, whatever the facts might have been proved or imagined to be, could furnish neither justification nor palliation for giving up a city to disorder and for paralyzing the industries and commerce of the coun-

My conclusion in the case on the informa-tion of the United States implies a like conclusion in the other case, tried at the same time and upon the same evidence, wherein, by an information presented by the receivers of the Santa Fe railroad the defendants were charged with wrongful and violent interference with the opera-tion of that road pending the strike. That they did not interfere, as alleged, is established by the evidence already considered. Though violation of the injunction of July 2 is alleged in the bill, the questions of jurisdiction and of the construction and application of the act of 1890 are not essentially involved, because, the property being in the custody of the court, any improper interference with its management t is well settled, constitutes a contemp of the court's authority as exercised in making the order appointing the receivers and enjoining interference with their con-

The opinion of Judge Caldwell has been referred to, but, while that recognized the right of employes to quit the services of the receivers, it contained no warrant for intimidating or abusing those who were willing to take employment or for otherwise interfering directly, as the defendants and their followers did, with the management and operation of the road. The court, therefore, finds the defendants guilty of contempt, as charged, in each of the cases. The same sentences will be ordered in both cases, but it is not intended

VIEWS OF LABOR LEADERS.

that they shall be cumulative.

Judge Woods's Decision Denounced by Gompers and Others. DENVER, Dec. 14.-The decision of Judge Woods in the Debs case was not discussed in the convention of the Federation of Labor to-day, but some of the delegates expressed themselves regarding it.

President Gompers said: "I think it contemptible for any judge to take from a citizen of the United States the right of trial by jury. If Mr. Debs is guilty of any criminal act, a jury of his peers should be

of any judge who shows himself so eager to do the bidding of the corporations." Patrick McBride, secretary of the United Mine Workers, said: "I think the decision is an outrage. I do not believe the in-tention of the law under which the injunc-tion was issued was to include labor or-ganizations. There has been no decision by the Supreme Court on the matter. It seems to me that the court should have remitted the penalty. Instead of that he has strained the law to reach the decision and inflict severe punishment on the first man tried for its violation."

Thomas I. Morgan, of Chicago, said: "The decision, aside from its immediate effects on Mr. Debs, is a good thing for the labor movement. It shows what may be exmovement. It shows what may be expected from Legislatures and courts that are controlled by the capitalists."

Wm. B. Prescott, president of the Typographical Union, said: "I am opposed to the punishment of one man for the acts of another. I believe that the injunction Debs violated was against his real legal rights."

John O'Sullivan, of Boston: "I have expected this decision and it now only remains for us to see that the case goes to the highest tribunal." A. McGrath, of the Typographical Union, Boston, said: "I think the methods of the people in power are tending to revolution."

Hon. David Holmes, of London, declined to express an opinion upon the Debs matter. John Burns is visiting in Colorado

### DENOUNCED AS A LIE

PRESIDENT GOMPERS REPLIES TO DELEGATE TOBIN'S CHARGE.

Almost a Row in the Federation Labor Convention-The Original "Political Programme" Changed.

DENVER, Col., Dec. 14.-What bordered on a regular "Kilkenny" fight took place in the National Federation of Labor convention this morning. At 10 o'clock the "political programme" which was submitted by the last convention to the various unions to be acted on by them and then by the federation was taken up. It was as "Whereas, The trade unionists of Great

Britain have in the light of experience and the logic of progress adopted the principle of independent labor politics as an auxiliary to their economic action, and, "Whereas, Such action has resulted in the "Whereas, Such independent labor politics are based upon the following programme, to-wit: (1) Compulsory education, (2) direct legislation, (3) a legal eighthour work day, (4) sanitary inspection of workshop, mine and home, (5) liability of employers for injury to health, body or life, (6) the abolition of the contract system in all public work, (7) the abolition of the sweating system, (8) the municipal ownership of street cars and gas and electric plants for public distribution of light, heat and power, (9) the nationalization of telegraph, telephone, railroads and mines, (10) the ownership by the people of all means of production and distribution, (11) the principle of referendum in all legislation; there-"Resolved. That the convention hereby

indorses this political action of our British comrades, and "Resolved, That this programme and basis of political labor movement be and is hereby submitted for the consideration of the labor organizations of America, with the request that their delegates to the next annual convention of the American Federa-tion of Labor be instructed on this most important subject."

The preamble was stigmatized by Mr. Strasser as a bold misrepresentation. This brought T. J. Morgan, author of the platform, to his feet with a spirited rejoinder. Mr. Strasser moved that the preamble be stricken out. It was claimed that the labor unions of England had no political organization. John F. Tobin, of the boot and shoe workers, stirred up a storm when he asserted that there was a political organization among laboring men, and that presidents, and secretaries and other officers of the labor organizations use their positions to secure political election and appointment. Objection came from a dozen men, including President Gompers, Secretary Evans and other federation officers. Mr. Tobin remarked that such a show of feeling was all the proof he wanted that his shot had hit the mark. He was applauded by T. J. Morgan and others. President Gompers took the floor and denounced as a lie the general charge, which included him, and defied Mr. Tobin, Mr. Morgan or any other delegate to point to a vulnerable place in his career as to honesty. He charged that it was a cowardly, covert attack upon organized labor. He was mad clear through and his words were very bitter. Others followed in a milder vein, but the display during the ten minutes occu-Tobin and Gompers showed the nature of the fight on the tapis between the supporters and opponents of the socialistic

McGuire denied that the action of English laboring men politically was based on the planks given in the "political programme." He read an extract from an English newspaper which charged John Burns with acting as a decoy for the Liberal party. He denounced the attempt to force the federation into a political party, when each member had been assured upon joining his union that its pledges should not conflict with his political views in any particular. He said the 1,200 labor leaders of Great Britain who are holding municipal fices are greatly outnumbered by their American brethren in similar positions. At 12 o'clock the previous question was called for, and the roll call resulted in the striking out of the preamble by a vote of A vote was then taken on plank 1 without debate. It was adopted. The convention decided to consolidate planks 2 and 11, making the plank read: Direct legislation through the referendum." It was adopted.
At the opening of the afternoon session Plank three was taken up and Delegate Lloyd, of Boston, offered an amendment to read: "A legal workday of not more than eight hours," which was adopted. Planks 4, 5, 6 and 7 were adopted without change. Plank 8 was amended to include water

works and adopted. Plank 9 was adopted without discussion When the famous Plank 10 came up few minutes before 4 o'clock, the tug of war was reached. Mr. Strasser, of New Jersey, stated he proposed to make the author of that plank declare himself. He referred as an amendment, the addition of the words "by means of confiscation without compensation." T. J. Morgan, author of the plank, seconded the amendment, A. McCraith, of Boston, offered a substi-tute as follows: "The abolition of the mo-nopoly system of land holding and the substituting therefor a title of occupancy and use only. The plank was debated all afternoon without reaching a vote.

During the day N. R. Hysell, of the mineworkers, moved that a committee of three be appointed to draft resolutions in regard to the decision of Judge Woods and the imprisonment of Debs and others. N. R. Hysell, Thomas J. Morgan and Thomas Tracey were appointed A letter from Governor Waite was read. It was a characteristic document touching

on the action of Presidents Harrison and

Cleveland in calling out the federal troops for the settling of labor and other troubles

and urging workingmen to unite in political action. Has No Fear of a Strike. WASHINGTON, Dec. 14.-Third Vice President Baldwin, of the Southern Railway Company, declares that he has no fear whatever of a strike of the employes on the system as a result of the time and pay schedules. The employes are still working under the schedules in force when the East Tennessee, Virginia & Georgia and the Richmond & Danville companies were consolidated, although they differ in run-ning time and in other details. Mr. Baldwin told the representatives of the firemen. engineers and conductors who called upon him yesterday asking that the change be made and the schedules thereby simplified, that the company was not yet ready to comply with their request, but in due time standard schedules for the whole system would be put in operation.

Horse Meat for New Yorkers. NEW YORK, Dec. 14.-A local horse butcher has given notice that he will open a shop in New York. The exact date when this is to go into effect has not been made public. At all events the likelihood of such a thing happening has served as the theme of even diplomatic correspondence. J. Ster-ling Morton, of the Agricultural Department, whose opinion was requested on the subject, writes, under date of Nov. 27, last that there is no authority warranting the interference of the United States government in the sale of horse meat.

For Coughs and Thront Disorders Use Brown's Bronchial Troches, "Have never changed my mind respecting them, except I think better of that which I began by thinking well of."—Rev. Henry

# Swelling in the Neck



"Large knots of on my wife's neck for four years. When she had taken two bottles of Hood's Sarsaparilla, we could see the swelling was going down. Now the glands have assumed their natural appearance and sheis Entirely Free

from this trouble. Our children were afflicted with spells of malaria every fall but this season thay have been taking Hood's Sarsaparilla and it has purified their blood, built them up, and they have been free from all illness this winter." E. M. BLACKBURN, Oregon, Missouri.

#### Hood's a Cures Hood's Pills are purely vegetable, and do

not purge, pain or gripe. Sold by all dine siste PRAISE FOR EARLY.

senator Daniel's Estimate of the Noted Confederate Commander. RICHMOND, Va., Dec. 13.-The valley

campaign of Gen. Jubal A. Early was the subject of an address to the Virginia division of the Army of Northern Virginia tonight, by Senator John W. Daniel, who was an intimate personal friend of General Early. His statements and criticisms in some respects run counter to the estimates of leading military critics on both the federal and Confederate sides, and the subcrdinate places he ascribes to such Confederate ideals as Joseph E. Johnston, Albert Sidney Johnson and Beauregard will doubtless arouse comment throughout the South. Senator Daniel's bold and at the same time sneering estimate of England's popular military ideals and of the inferior rank of them beside them is another notable feature of his oration. He characterized Early as "a man of peace before the war; a hero in tidelity and fortitude after the war; and the very incarnation of its glorious memories"

The orator reviewed Early's career, and, after giving the roll of his successful batsaid: "The march of Early from Cold Harbor by Charlottesville, Lynchburg, Salem, Staunton and Winchester, acros the Potomac and the Moncacy and through the South Mountain passes and on to Washington and back to Virginia between the 13th of June and the 14th of July, a distance of 510 miles, an average of sixteen miles a day, is for length and rapidity without a parallel in our own or modern war.

In comparing Early and Jackson Senator Daniel said: "First, Early fought under a paling star; Jackson fought when the prestige of the Confederacy was in the ascendant, Early when it was in the descendant. Second, the valley was a garden and granary when Jackson fought. Early fought in a desert, where 'the crows flying over it would have to carry their rations.' Third, Jackson's cavalry was not overmatched by the enemy's, as Early's was. three to one. He declared that only Marlborough and Wellington would be ranked above Early, asserting: "I have said, and I have heard it said by one of the best officers that served under Early, that among our confederate army commanders he was second only

to Jackson. By whatever test you try them Lee and Jackson stand alone before him among confederate comanders. If result be the test let this be said that his desperate campaign of 1864 prolonged the life of the Confederacy a year. The very day he left the field Grant marched to victory, and when he fell at last the general crash came down upon us all. In these deeds done, and well done, I rest his fame."

Say Mrs. Hook Is Not Demented. The neighbors of Mrs. Amanda Hook, of No. 103 Columbia avenue, who was sent to the Central insane asylum last Saturday continue to deny that the old lady is demented. She is more than eighty years of age and is the widow of N. M. Hook, who, many years ago, was judge of the Circuit Court of Marion county. Mrs. Hook is very anxious to get out of the asylum. New Daily Next Monday.

The new Populist daily, to be known as the Evening Dispatch, will appear in its first issue Monday. D. F. Kennedy will be the city editor, and E. E. Parker, of Richmond, will do the local work. Mr. Parker has had long experience with the local press of Richmond.

A GREAT INDUSTRY.

Increase of the Sales of the Indianapolis Brewing Company. State of Indiana, Marion county, ss.:

Charles Klein, being duly sworn, on his oath says that for more than five years last past ne has bee. .... bookeeger of the Indianapolis Brewing Company, and as such has been acquainted with the sales of the manufactured product of that comnany during said time; that he is personally acquainted with the sales of beer made by said Indianapolis Brewing Company dur-ing the calendar months of October and November, 1893, and October and November, 1894; that during the calendar month of October, 1894, the beer sales of said Indianapolis Brewing Company exceeded its sales for the month of October, 1893, 5,229 kegs, and its sales during the month of November, 1894, exceeded its sales during the month of November, 1893, 4,278 kegs, making its increase of sales for the months of October and November, 1894, over the CHARLES KLEIN. 9,507 kegs. Subscribed and sworn to before me this 12th day of December, 1894

SALEM P. WELMAN. High, Yet Low. Apparently a paradox, yet true. I am higher-in location-than any jeweler in the city. But lower in prices. Call and be convinced of this statement. J. C. SIPE, Room 4, old Sentinel Building, 18½ N. Me-

\$1.50-Madison and Return-\$1.50. Via Pennsylvania Line, next Sunday, Train leaves Indianapolis 8:25 a. m., and returning leaves Madison 6 p. m.

ridian street.

## DREADFUL PSORIASIS

Covering Entire Body with White Scales. Suffering Fearful. Cured by Cuticura.

My disease (psoriasis) first broke out on my left cheek, spreading across my nose, and almost

covering my face. It ran into my eyes, and the physician was afraid I would lose my eyesight altogether. It spread all over my head, and my hair all fell out, until I was entirely bald-headed; it then

broke out on my arms and shoulders, until my arms were just one sore. It covered my entire body, my face, head, and shoulders being the worst. The white scabs fell constantly The white scabs fell constantly from my head, shoulders, and arms; the skin would thicken and be red and very itchy, and would crack and bleed if scratched. After spending many hundreds of dollars, I was pronounced incurable. I heard of the CUTICURA REMEDIES,

and after using two bottles CUTICURA RESOL-VENT, I could see a change; and after I had taken four bottles, I was almost cured; and when I had used six bottles of CUTICURA REsolvent, one box of Cuticura, and one cake of Cuticura Soap, I was cured of the dreadful disease from which I had suffered for five years. I cannot express with a pen what I suffered before using the Remedies. They saved my life, and I feel it my duty to recommend them. My hair is restored as good as ever, and so is MRS. ROSA KELLY, Rockwell City, Iowa.

Everything about these wonderful skin cures, blood purifiers and humor remedies, inspires confidence. They afford instant relief and speedy cure of the most torturing, and disfiguring of itching, burning, scaly, skin and scalp diseases. They cleanse the blood and skin of every eruption, impurity and disease, and constitute the most effective treatment of modern times.

Sold throughout the world. Price, CUTICURA, 50c.; SOAP, 25c.; RESOLVENT, \$1. POTTER DRUG AND CHEM. CORP., Sole Proprietors, Boston. "How to Cure Skin Diseases," mailed free. PLES, blackheads, red and only skin pre-vented and cured by Coricuna Soar.

IT STOPS THE PAIN. Backache, kidney pains, weakness, rheumatism, and muscular pains re-lieved in one minute by the Cuti-

To-day only we offer \$4, \$3.50 and \$3 Children's suits, sizes 4, 5 and 6 only, at

Choice of any Boy's Overcoat and Ulster, sizes  $2\frac{1}{2}$  to 13, for

Miss Maria Parloa

is admitted to be a leading American authority on cooking; she

a good stock for the foundation of soups, sauces and many other thinge, and the best stock is

Liebig Company's Extract of Beef"

100 of Miss Parloa's reciped sent gratis by Dauchy & Co., 27 Park Place, New York.

AMUSEMENTS. GRAND- MATINEE TO-DAY,

Julia Marlowe Taber Assisted by ROBERT TABER and an efficient "The Love Chase" TO-NIGHT. "INGOMAR" PRICES-Night: Side boxes; \$1.50; orchestra and dress circle, \$1; balcony (reserved), 75c; balcony (admission), 50c; gallery, 25c, Matines: All lower floor, 75c; balcony (reserved), 50c; gallery, 25c,

ENGLISH'S Next Monday, Tuesday and Wednesday (Popular-priced Wednesday Matinee) HANLON BROTHERS

Grand Fairy-Like Pantomimic Spectacle. "FANTASMA" New scenery, tricks, wonders, music and gorgeous transformations. S e the great billiard match.

Popular Prices-Night: Gallery, 15c; balcony, 25 cs dress circle, 50c; orchestra, 75c; orchestra circle, \$1. Matinee: Lower floor, 50c; balcony, 25c.

GRAND Tuesday, Dec. 18, First appearance of the Tragedians, FREDERIC LOUIS AND

JAMES WARDE supported by their celebrated company, in an elab-orate revival of Boker's romantic drama, "FRANCESCA DA RIMINI" PRICE —Orchestra and dress circle, \$1; single boxes, \$1.50; balcony (reserved), 75c; balcony (admission), 50c; gallery, 25c.
SEATS NOW ON SALE.

Matinees Dally. PRICES-10c, 20c and 30c

This Afternoon and To-Night

"HIS NIBS THE BARON" TA lady's gold watch given away to night. Ges Dec. 17, 18, 19-"BLACKLISTED."

Princeton University Glee Club

# GRAND

Wednesday, Dec. 19 Seats on sale Monday, Dec. 17, at 9 a. m. PRICES—Orchestra and Boxes, \$1; Dress Circle, 75c; Balcony, 50c; Gallery, 25c.

Exhibit of Ol. Palatings and Sketches bel

December 12th to 26th.

THE ART ASSOCIATION, Denison Hotel, first door east of Ladies' entrance, Ohio-st 10 a. m. to 10 p. m. Admission, Ec. Sun-days. 10 a. m. to 6 p. m.

# PRICES REDUCED!

In order to place our goods within reach of everybody, we have reduced the price of CRESCENT SALVE to 25c per box. CRESCENT SOAP to 20c-3 cakes for 50c. We will allow a rebate on all of our goods held

by dealers. CRESCENT REMEDY CO. Indianapolis, Ind. NOV. 17, 1894.

TOURIST TICKETS

Are now on sale via

Good Returning Until May 31, 1895.

Through sleeper from Louisville to Jack-sonville and Tampa, Fla., and intermediate For tickets and sleeping car space call on agents, 48 West Washington street, 46 Jackson place and Union Station, or ad-GEO. E. ROCKWELL, D. P. A., Indian-